REMARKS

Applicants thank the Examiner for examining the application. Applicants have canceled claims 1-35. Applicants have added new claims 36-60. New claims 36-60 are the exact replicas of the claims filed along with a Request for Continued Examination on November 6, 2007, with the only change being to address the objection of former claim 6 (new claim 41) made in the previous Office Action. Thus, any amendments made in the response filed on February 22, 2008 have effectively been undone by this Amendment and Response.

Applicants have also added new claim 61. Support for new claim 61 may be found throughout the specification, particularly at page 18 lines 15-16, and the addition of new claim 61 does not constitute the addition of new matter.

With these amendments, claims 36-61 are now pending.

Applicants' Note

In the Office Communication mailed on June 5, 2008, the Supervisory Patent Examiner, Mr. Jeffrey Pwu, indicates that the reply filed on 1/25/08[sic] is not fully responsive to the prior Office action. Applicants respectfully submit that this date is a typographical error, as Applicants did not filed a reply on 1/25/08, but rather on 2/22/08. Nonetheless, the Examiner later states that "Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the Examiner's contentions." The Examiner also states that "Applicant must also discuss the references applied against the new claims . . . "(that is, former claims 31-35, now canceled).

Applicants respectfully submit that this response will contain an appropriate Remarks sections. Applicants also respectfully submit that, as Applicants have undone the amendments made by the response filed on 2/22/08, Applicants need not discuss how the references apply to now-canceled claims 31 to 35. Applicants will discuss in detail herein how the references apply to "new" claims 36-60, according to the previous Office Action mailed on 12/28/07.

Claim Objections

The Examiner objected to former claim 6 (new claim 41) because of informalities, namely that the first limitation in former claim 6 was missing the word "blocked". Applicants have corrected new claim 41 so that it contains the word "blocked" at the end of the first limitation. Thus, the objection has been overcome.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected former claims 1-3, 5, 10-20, 22, and 27-29 (corresponding to new claims 36-38, 40, 43-53, 55, and 58-60) under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent App. No. 2004/0250127 to Scoredos et al. in view of U.S. Patent No. 7,062,540 to Reddy et al. and further in view of U.S. Patent No. 6,273,622 to Ben-David.

Applicants' new independent claim 36 (corresponding to Applicants' former independent claim 1) requires, among other things, providing a connection database to store information about connection requests and associated application layer outcomes, the information about connection requests comprising: a maximum number of connections allowed in a cycle; and a maximum number of connection requests per requestor during a cycle. The Examiner cited "a limit count representing a number of concurrently allowable connections between the IP entity and server", as stated in the Abstract and described by example in ¶ 0045 of Scoredos et al. as disclosing the maximum number of connection allowed in a cycle, and a maximum number of connection requests per requestor during a cycle. The Examiner repeated this argument in his "Response to Arguments"; *see* Office Action Page 3.

Leaving aside for the moment the question of whether or not a limit count is equivalent to a maximum number of connections allowed in a cycle, or to a maximum number of connection requests per requestor during a cycle, the Examiner cannot reject two distinct elements of Applicants' independent claim 36 according to the same element taught by Scoredos et al. That is, the Examiner **cannot** argue that a limit count, as taught by Scoredos et al., is equivalent to **both** a maximum number of connections allowed in a cycle **and** a maximum number of connection requests per

requestor during a cycle, because these are clearly two different things. Of course, the Examiner is able to argue that the limit count is equivalent to **one of them**, but not both. For this reason alone, Scoredos et al. does not teach or suggest Applicants' new independent claim 36, and thus Applicants' new independent claim 36 is allowable over Scoredos et al., alone or in combination with Reddy et al. and Ben-David.

Apart from this issue, Applicants respectfully submit that the limit count taught by Scoredos et al. is not equivalent to a maximum number of **connection requests** per requestor during a cycle. Indeed, Scoredos et al. makes clear that what it seeks to limit is the number of **connections** between an IP entity and a server; *see at least* ¶ 0015 lines 1-3; ¶ 0016 lines 1-5; ¶ 0017 lines 1-3 and lines 3-6; and ¶ 0042. Scoredos et al. does not teach or suggest that the limit count has anything to do with a maximum number of **connection requests**. Thus, for at least this reason, Scoredos et al. does not teach or suggest Applicants' new independent claim 36, and therefore Applicants' new independent claim 36 is allowable over Scoredos et al., alone or in combination with Reddy et al. and Ben-David.

Further, in the case of both a maximum number of connections allowed in a cycle and a maximum number of connection requests per requestor during a cycle, Scoredos et al. fails to teach or suggest limiting anything to a cycle. The Examiner states that a cycle is equivalent to the first occurrence of a connection request. However, a cycle implies both a beginning time and an end time, whereas the first occurrence of a connection request is simply a beginning time and does not indicate an end time. Further, the only limitation Scoredos et al. teaches on the number of connections that may be made between an IP entity and a server is the number of concurrent connections, *see at least* ¶ 0017 lines 103. Scoredos et al. makes no mention of a time component (i.e., a cycle) in terms of the limit count; *see at least* ¶¶ 0025-0034. Thus, Scoredos et al. fails to teach or suggest a maximum number of connections allowed in a cycle, or a maximum number of connection requests per requestor during a cycle, both as required by Applicants' new independent claim 36. Thus, for at least this reason, Applicants' new independent claim 36 is allowable over Scoredos et al., alone or in combination with Reddy et al. and Ben-David.

Applicants' new dependent claim 61 makes this point clear. Relying on language from Applicants' specification (particularly page 18 lines 15-16), Applicants' new dependent claim 61 requires, among other things, that a cycle is a predetermined period of time, determined based upon capabilities and configuration of a system to which the connection database belongs. Scoredos et al. fails to disclose providing a maximum number of connections allowed in such a predetermined period of time, and providing a maximum number of connection requests per requestor in such a predetermined period of time. Indeed, Scoredos et al. makes no mention whatsoever of a period of time (predetermined or otherwise), and neither the phrase "period of time" nor its equivalent (i.e., "length of time", "amount of time", etc.) appears anywhere in Scoredos et al. Thus, for at least any of these reasons, Applicants' new dependent claim 61 is allowable over Scoredos et al., alone or in combination with Reddy et al. and Ben-David.

Applicants' new independent claim 36 also requires, among other things, providing a connection database to store information about connection requests and associated application layer outcomes. In his "Response to Arguments", the Examiner states that Applicants argued that "(d)   Scoredos does not teaches, "connection requests and associated application layer outcomes"." Office Action Page 3. The Examiner then goes on to explain, without citation, that "Scoredos teaches the method of controlling connections from an IP to a server, which involves monitoring the status of connection/application layer outcomes or state of connection. Scoredos limits the connection by monitoring the state of concurrent connection at a time, so if connection drops client browser or application will hang up and therefore Scoredos does disclose application layer outcome." Office Action Page 4.

Applicants have two issues with this argument. The first issue is that Applicants have, contrary to the Examiner's assertion, never argued that **Scoredos et al.** does not teach "connection requests and associated application layer outcomes". Rather, as made clear on page 13 line 19 to page 14 line 9 of the Amendment filed with an RCE on November 6, 2007, Applicants argued that **Reddy et al.** does not teach "providing a connection database to store information about connection requests and associated

application layer outcomes. Indeed, in the context of making this argument, Applicants begin by referring to language from the Office Action mailed on July 10, 2007. Thus, Applicants wrote in the response filed on November 6, 2007:

> On page 3 of the Office Action, it is stated that ***Scoredos does not teach*** "providing a **connection database** to store information about connection requests and **associated application layer outcomes**," as in claim 1 (emphasis added), ***but that Reddy column 7, lines 64-66 does***.

The Examiner makes **the exact same argument** on page 6 of the Office Action mailed on December 28, 2007. Thus, Applicants are at a loss for how the Examiner asserts on Page 4 of the Office Action that Scoredos et al. does teach associated application layer outcomes stored in a provided database, when two page later, and throughout prosecution of this application, the Examiner has maintained the exact opposite position. Applicants believe that the Examiner has made a mistake in his Response to Arguments regarding this point, particularly because the Examiner makes no citation in his Response to support his argument. Applicants respectfully submit that the Examiner could not make any citations, because there is nothing in Scoredos et al. that teaches or suggests providing a connection database to store information about associated application layer outcomes.

Further, because the Examiner in essence failed to respond to Applicants' argument as to what Reddy et al. does or does not teach or suggest with regards to this limitation, Applicants now repeat that argument here. Thus, Applicants respectfully submit that col. 7 lines 64-66 of Reddy et al. state that "At step 112, an agent 72 that has received a notification from an associated monitor 74 communicates the notification to gateway 78 for storage in database 76." Thus, what Reddy et al. discloses is not a filter based on application layer information of a packet, but the storage of application information unrelated to the network. For example, consider col. 7 lines 54-60 of Reddy et al. which state:

> [A] first monitor 74 may communicate with its corresponding application 42 to determine the state of the application 42 and a second monitor 74 may scan a log file associated with the same or a different corresponding application 42. Monitors 74 report detected events to their respective agents 72 though the communication of notifications to the agents 72 at step 110.

Thus, Reddy et al. discloses an application monitor that scans files or takes information from an event log and then communicates that information to other agents or the application. Reddy et al. does not teach or suggest that this information is the application layer information of a connection request. Thus, Reddy et al. does not teach or suggest Applicants' new independent claim 36, and therefore Applicants' new independent claim 36 is allowable over Reddy et al., alone or in combination with Scoredos et al. and Ben-David.

Thus, for at least any of the reasons given above, Scoredos et al., Reddy et al., and Ben-David, alone or in combination, do not teach or suggest Applicants' new independent claim 36. Therefore, Applicants' new independent claim 36 is allowable over Scoredos et al., Reddy et al., and Ben-David, alone or in combination.

Applicants' new independent claims 45 and 58 both include limitations similar to those of Applicants' allowable new independent claim 36. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claim 36, Applicants' new independent claims 45 and 58 are themselves allowable over Scoredos et al. and Reddy et al. and Ben-David, alone or in combination.

Applicants' new dependent claims 37-38, 40, 43-44, 59, 46-53, 55, and 60 depend from, respectively, Applicants' allowable new independent claims 36 and 45. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claims 36 and 45, Applicants' new dependent claims 37-38, 40, 43-44, 59, 46-53, 55, and 60 are themselves allowable over Scoredos et al., Reddy et al., and Ben-David, alone or in combination.

The Examiner then rejected former claims 6 and 22 1-3, 5, 10-20, 22, and 27-29 (corresponding to new claims 41 and 55) under 35 U.S.C. § 103(a) as being unpatentable over Scoredos et al., Reddy et al., and Ben-David in view of U.S. Published Patent App. No. 2002/0059517 to Haviv et al.

Applicants' new dependent claims 41 and 55 depend from, respectively, Applicants' allowable new independent claims 36 and 45. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claims 36 and 45, Applicants' new dependent claims 41 and 55 are themselves allowable over Scoredos et al., Reddy et al., Ben-David, and Haviv et al., alone or in combination.

The Examiner next rejected former claim 9 (corresponding to new claim 42) under 35 U.S.C. § 103(a) as being unpatentable over Scoredos et al. and Reddy et al. in view of U.S. Published Patent App. No. 2002/0124103 to Maruyama et al.

Applicants' new dependent claim 42 depends from Applicants' allowable new independent claim 36. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claim 36, Applicants' new dependent claim 42 is itself allowable over Scoredos et al., Reddy et al., and Maruyama et al., alone or in combination.

Further, Applicants' new dependent claim 42 is allowable on its own over Scoredos et al., Reddy et al., and Maruyama et al. Applicants' new dependent claim 42 requires, among other things, determining whether a limit of connections created in a connection cycle period has been exceeded. For at least the reasons discussed above with regards to Applicants' allowable new independent claim 36 and Applicants' allowable new dependent claim 61, Scoredos et al. does not teach or suggest anything about a connection cycle period, and thus, Applicants' new dependent claim 42 is itself allowable over Scoredos et al., Reddy et al., and Maruyama et al., alone or in combination.

The Examiner then rejected former claims 25 and 26 (corresponding to new claims 56 and 57) under 35 U.S.C. § 103(a) as being unpatentable over Scoredos et al. and Reddy et al. in view of Maruyama et al. and further in view of Ben-David.

Applicants' new independent claims 56 and 57 both include limitations similar to those of Applicants' allowable new independent claim 36. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claim 36,

Applicants' new independent claims 56 and 57 are themselves allowable over Scoredos et al. and Reddy et al. in view of Maruyama et al. and further in view of Ben-David.

The Examiner then rejected former claims 4 and 21 (corresponding to new claims 39 and 54) under 35 U.S.C. § 103(a) as being unpatentable over Scoredos et al. and Reddy et al. in view of U.S. Published Patent App. No. 2003/0212821 to Gillies et al.

Applicants' new dependent claims 39 and 54 depend from, respectively, Applicants' allowable new independent claims 36 and 45. Therefore, for at least the reasons given above with regards to Applicants' allowable new independent claims 36 and 45, Applicants' new dependent claims 39 and 54 are themselves allowable over Scoredos et al., Reddy et al., and Gillies et al., alone or in combination.

CONCLUSION

Applicants believe this Amendment and Response to be fully responsive to the present Office Action. Thus, based on the foregoing Remarks, Applicants respectfully submit that this application is in condition for allowance. Accordingly, Applicants request allowance of the application.

Applicants hereby petition for any extension of time required to maintain the pendency of this case. If there is any fee occasioned by this response that is not paid, please charge any deficiency to Deposit Account No. 50-3735.

Should the enclosed papers or fees be considered incomplete, Applicants respectfully request that the Patent Office contact the undersigned collect at the telephone number provided below.

Applicants invite the Examiner to contact the Applicants' undersigned Attorney if any issues are deemed to remain prior to allowance.

Respectfully submitted,

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